

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Philip A. Tassoni		
	Debtors	
Toyota Motor Credit Corporation		BK NO. 18-12492-amc
	Movant	
v.		CHAPTER 13
Philip A. Tassoni		
	Respondent	
and		
William C Miller		
	Additional Respondent	

**MOTION OF TOYOTA MOTOR CREDIT CORPORATION FOR RELIEF FROM THE
AUTOMATIC STAY UNDER SECTION 362 PURSUANT TO BANKRUPTCY
PROCEDURE RULE 4001**

AND NOW, here comes, the Toyota Motor Credit Corporation (“Movant”), by its Attorneys, Leopold & Associates, PLLC, and hereby files this Motion for Relief from Automatic Stay (“Motion”), and moves this Court for an Order granting relief from stay and in support thereof avers the following:

1. Debtor Philip A. Tassoni (hereinafter “Debtor”) filed a Chapter 13 Bankruptcy Petition on April 13, 2018.
2. This Court has jurisdiction of this matter pursuant to 11 U.S.C. §362 and 28 U.S.C. §157(b)(2).
3. On April 15, 2017, the Debtor entered into Closed-End Motor Vehicle Lease Agreement in the amount of \$11,720.20 (“Agreement”) for the lease of a 2015 Toyota Corolla, VIN # 2T1BURHE5HC749783 (“Vehicle”). A true and correct copy of the Agreement is attached hereto as **Exhibit A**.

4. Movant is secured under the Agreement by a properly perfected first lien security interest in the Vehicle. A true and correct copy of the title to the Vehicle is attached hereto as **Exhibit B**.
5. Movant, to the best information and belief, states that there is no other entity claiming a lien on the Vehicle.
6. The Movant has filed a Proof of Claim within this bankruptcy dated May 14, 2018 under claim 2-1.
7. The fair market value of the Vehicle is \$13,700.00 based on NADA.
8. The lease under the Agreement ended on April 14, 2020.
9. The Movant is in possession of the Vehicle.
10. Movant moves pursuant to 11 U.S.C. §362(d)(1) that the automatic stay should be lifted for cause as the Movant lacks adequate protection of its interest in the Vehicle.
11. The Movant additionally hereby requests a waiver of Bankruptcy Rule 4001(a)(3).

WHEREFORE, Movant pray that the Court grant 1) the termination of the automatic stay as to Movant in the 2015 Toyota Corolla with VIN # 2T1BURHE5HC749783 and to seek statutory and other available remedies; 2) the Movant may obtain possession of the 2015 Toyota Corolla with VIN # 2T1BURHE5HC749783 to the exclusion of the Debtor; 3) Movant further be granted its attorney fees and costs related to this motion; and 4) any other such further relief, at law or in equity as is just.

Date: August 24, 2020

/s/ Robert Wendt, Esquire

By: Robert Wendt, Esquire

Attorney ID No.

Leopold & Associates, PLLC

80 Business Park Drive, Suite 110

Armonk, New York 10504

(914)-219-5787

Attorney for Movant